IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2862 OF 2007

Vishwas Dattatraya Kalbhor ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr.K.S.Patil i/b. Mr.Vilas Tapkir and Mr.Sameer Ghadge, advocate, for applicant
Mr.Rajesh More, Assistant Public Prosecutor, for respondent

CORAM : V.C.DAGA, J.

DATE : 11TH SEPTEMBER, 2007

P.C.

1. Heard learned counsel for the applicant and learned Assistant Public Prosecutor. The applicant is seeking bail under Section 439 of the Criminal Procedure Code in C.R.No.226/2007 registered with Lonikalbhor Police Station for the offence punishable under Section 452, 436, 427, 504 & 506 of the Indian Penal Code. Considering allegations made and facts stated in the F.I.R., it would be debatable as to the applicability of Sections under

which the applicant is charged for the offences in question. It is needless to mention that applicant is already on bail in C.R.No.298/1998 for the offence punishable under Section 302 r/w.34 of the Indian Penal Code wherein he has been convicted for life imprisonment. The factum of committing an offence on bail may be a ground for cancellation of bail but not for denial of bail in the present case. Therefore, I am inclined to grant bail to the present applicant on following terms and conditions.

a) The applicant Vishwas Dattatraya Kalbhor be released on bail in event of his arrest in C.R.No.226/2007 in the sum of Rs.50,000/- with one or two sureties to make up the said amount.

b) That he should report Lonikalbhor Police Station, Pune once in a

week i.e.on every Sunday between 3.00 to 5.00 p.m. So far as his attendance in C.R.No.298/1998 is concerned, he should report Lonikalbhor Police Station, Pune twice in a week i.e.on Monday and Friday between 3.00 to 5.00 p.m.

c) The applicant shall not, directly or indirectly, make any inducement, threat to prosecution witnesses and shall not, in any manner, tamper with the prosecution evidence.

d) The applicant shall not pressurise witnesses and that he shall co-operate with the Investigating Agency.

e) The applicant is put on notice that on a report by the State in

violating any of the conditions by him, mentioned herein, shall result in cancellation of this bail order.

f) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

g) The application is allowed in the above terms.

(V.C.DAGA, J.)